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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,497	02/28/2000	ALEXANDER VAN DER VEKENS	P00,0062	9888

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EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,497

Applicant(s)

VAN DER VEKENS, ALEXANDER

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 have been examined.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:

- a. **IDS** as received on 02/28/2000.
- b. **Preliminary Amendment** as received on 02/28/2000.
- c. **Change of Address** as received on 01/08/2001.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show detailed labels for each element on Figures 1 and 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
 - a. "SCP" in Figure 1 should be changed to "Service Control Point."
 - b. "SSP" in Figure 1 should be changed to "Service Switching Point."
 - c. "NNI" in Figure 1 should be changed to "Network Node Interface."
 - d. "UNI" in Figure 1 should be changed to "User Network Interface."
 - e. "User A" in Figure 1 should be changed to "Service User."

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- f. "User B" in Figure 1 should be changed to "Service Provider."
- g. "CPE", "SSP", "SCP" "Initial DP", "Call Proc", etc., requires English detailed labels.

Specification

- 4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
- 5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

- 6. In abstract, Please provide detailed English description for **B-ISDN** in page 10 line 5, and for **SCP** in lines 6 and 8.
- 7. Base on applicant's "**Preliminary Amendment**," page 4 line 25. "Deleting line 3" renders the abstract unclear and indefinite.
- 8. Abstract, page 10 line 9, the term "Figure 1" should be removed.

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9. "Preliminary Amendment ", page 2, lines 7-11, does not allow the examiner to make any changes on the original application, since the information disclosed on "Preliminary Amendment ", page 2, lines 7-11, does not match with the specification.

Claim Objections

10. Claim 3 is objected to because of the following informalities:

Page 9 line 16, "**Method [..] one**" should be changed to "**Method according to one.**"

Appropriate correction is required.

11. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(i). Accordingly, the claim 4 not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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15. The Claims are indefinite because of the usage of "whereby" and "thereby" clauses.

These clauses are conclusory in that they recite a desired goal or end result which does not necessarily follow from the definition set forth in the body of the claim. The Claims are thus functional (See MPEP 706.03(c)).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumhardt et al., European Patent Publication Number, 0 669 748 A2, hereinafter Blumhardt, in views of Nagao Ogino, "A Multi-Agent Based Bandwidth Allocation Scheme." IEEE Global Telecommunication Conference, 1997, hereinafter Ogino.

18. Referring to Claim 1, Blumhardt has taught a method in an intelligent communication network (see abstract) for negotiating connection parameters between at least one communication terminal equipment (Figure 1 element 16) and at least one communication server, (the network described in figure 1 inherently included at least one server, since servers and clients are both important elements in any network.) comprising the steps of:

- a. Routing a service call from a communication terminal equipment to a communication server via the communication network (see Figure 1 where the

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CPE (communication terminal equipment) is connects to the network which would route a service call to the server.) first to the specific network element by a service switching point (See Disclosure of the invention on page 3, and especially lines 41-43);

- b. Performing negotiation before setup of a payload connection with a network element provided for this purpose that differs from the communication server. (See page 3 lines 50-52, the service is modified without directly interaction with service provider, which means the selection of service was made before setup of the connection, so the negotiation is performed before setup of a payload connection with a network element provided for this purpose that differs from the communication server.)
- c. In addition to an address of a service provider, entering a final service parameter of the connection into the data structure belonging to this service call by the network element; (Page 3 lines 25-30, 39-40 and Page 9 see the class of PARAMETER, the reference allows user to make modification for the service which is entering a service parameter to inform the system of the selected service.)
- d. Informing the communication server of service parameters that are ultimately effective for the connection setup. (Page 3 lines 25-30, 39-40 and Page 9 see the class of PARAMETER, Blumhardt allows user to make modification for the service, which is entering a service parameter to inform the system of the selected service.)

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Blumhardt has not taught the service parameters are Quality of Service parameters.

However, Ogino has taught that a user could select a bandwidth for his/her desired connection. (See abstract of Ogino.)

A person with ordinary skill in the telephone communication art would have known that selecting a bandwidth for the connection is selecting a quality of service. And since the selection is made on the user's side, the negotiation is made before setup of the payload connection. Selecting desired bandwidth by the user is considering as user selecting a service, which is already taught by Blumhardt.

Therefore, it would have been obvious for a person with ordinary skill in the telephone communication art at the time the invention was made to add quality of service as one of the service that Blumhardt as taught by Ogino. Doing so would allow the users to have the capability to choose the bandwidth for their desired speed.

19. Referring to Claim 2, Blumhardt in views of Ogino has taught an invention as described in Claim 1. Blumhardt has further taught

- a. Communicating possible values of the quality of service parameters to the network element upon establishment of a new service in the communication network; and (Blumhardt, page 3 disclosure of the Invention, this limitation must be inherently existing, in terms of user making modification of the services before the setup of the payload connection as described in Claim 1. User must be able to select or communicate with all possible values of service parameters including

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quality of service parameters before the setup of the connection. And selecting a new service is establishing a new service in the communication network.)

- b. Electronically storing the possible values of the quality of service parameters at the network element. (Blumhardt, page 3 Disclosure of the Invention and the code on page 9-10, where the service parameters are written into computer languages, and computer languages will be executed by the computer and becomes a computer program. So the all the possible values of the parameters will be electronically stored.)

20. Referring to Claim 3, Blumhardt in views of Ogino has taught an invention as described in both Claims 1 and 2. Blumhardt has further taught the communication network is a matter of broadband communication. (Blumhardt, cover page, abstract, line 2) and the quality of service parameter is matter of the bandwidth made available. (Quality of service parameter being a matter of the bandwidth made available is already discussed in paragraph 18, also See Ogino abstract)

21. Referring to Claim 4, Blumhardt in views of Ogino has taught an invention as described in Claim 3. Blumhardt in views has further taught a selection of a service provider ensues dependent on the quality of service demanded by the service user. (See Blumhardt page 3 line 50 – page 4 line 2.)

22. Referring to Claim 5, Blumhardt has taught an apparatus for negotiating service parameters in an intelligent communication network (see abstract), comprising means for storing service parameters and service provider (Blumhardt, page 3, Disclosure of the Invention and the code on page 9-10, where the service parameters are written into

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computer languages, and computer languages will be executed by the computer and becomes a computer program. So the all the possible values of the parameters will be electronically stored); comprising means for evaluating the service call and comprising means for forwarding the modified service call to the service provider (a person with ordinary skill would know that user configured service must be able to able to send to the service provider, otherwise the system would fail to work.)

Although, Blumhardt has not explicitly taught the service parameters are connection parameters.

However, Ogino has taught that a user could select a bandwidth for his/her desired service. (See abstract of Ogino.)

A person with ordinary skill in the telephone communication art would have known that there are various of service parameters that could be included in Blumhardt's system. And the quality of service (selecting desired bandwidth) is well known in the art to be one of the service parameters.

Therefore, it would have been obvious for a person with ordinary skill in the art the time the invention was made to have connection parameters as its service parameters. Because having connection parameters allows users to select their desired connection bandwidth.

Conclusion


23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims,

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the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

24. Penzias et al., European Patent Publication Number 0 608 066 A2, has taught a telecommunications system with active database that allows user to choose available services.
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-3391. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.
27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Alex Wang *lw*
October 29, 2002


AYAZ SHEIKH
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